

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-29 are pending in this application.

35 U.S.C. §102 & §103 Rejections

Claims 1, 3, 4, 6, 7, 10, 11, 21 and 23-29 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Yeo et al. (U.S. Patent No. 5,831,945). Claims 2, 5, 8, 9 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yeo et al. (U.S. Patent No. 5,831,945) in view of Schein et al. (U.S. Patent No. 6,323,911). Claims 12-20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Schein et al. Applicants respectfully traverse each of these rejections for at least the following reasons.

Regarding claim 1, the Office Action alleges that the Yeo et al. ("Yeo") patent discloses every feature of Applicants' claimed combination. Applicants respectfully disagree. For example, the Office Action alleges that Fig. 4 and column 8, lines 10-27 disclose "a main screen which displays video segments corresponding to significant events showing a relation between two displayed characters of said character screen according to a user selection, wherein said relation may be constant or variable." However, Yeo illustrates in Fig. 4 an initial scene transition graph and the section relied upon by the Office Action recites the following (with emphasis added).

Reply to Office Action of September 15, 2003

Since a video shot comprises many images, similarity between the shots needs to be defined beyond that of planar images. If only a representative image is chosen for a video shot, it is very likely that there are two shots which are indeed very much the **same in content but are judged to be different** because the representative frames chosen for these two shots are different. For example, given the following two shots: the first shot starts with a zoomed-in view of Mr.A, the camera then zooms out to include Ms.B; the second shot starts with the camera focusing on Ms.B, then it zooms out to include Mr.A. One may think these shots are similar (this happens often in the anchor room during news broadcasts), yet if the first image from each shot is taken as the representative image, the two representative images can be drastically different depending on the similarity measures used.

As clearly indicated above, this aspect of Yeo is directed to the ambiguity that can be caused in choosing representative images of a video sequence (i.e., the same content appears different). This section has nothing to do with “significant events showing a relation between two displayed characters”. There is nothing in the referenced portion of Yeo that teaches or even suggests significant events showing a relation between two displayed characters. Instead, as clearly stated in the above-referenced section, Yeo discloses that the representative images taken from the first frame of a video segment with similar content can tend to appear to be “drastically different”.

As noted in the heading of this section these determinations are made based on temporal variations in the video shot. Further, these variations are determined by video data analysis such as a “proximity matrix for the video shots are built based on the dissimilarity measures defined for color, shape and correlation for their representative image sets” (Yeo, column 8, lines 45-47). Clearly, color, shape and related data do not

teach or suggest to display images that are selected to illustrate significant events showing a relation between two displayed characters.

Applicants do not understand how the temporal segmentation can be equated with significant events showing a relationship between two characters. As noted in column 1, lines 49-51, of Yeo, "[s]cene change detection (also called temporal segmentation of video) gives sufficient indication of when a new shot starts and ends." Therefore, it appears the Office Action takes the position that significant events showing a relationship between characters occur at every scene change / change in temporal data. Applicants respectfully submit that even under the most strained interpretations of the terms used in Yeo, that this position is clearly untenable.

As stated in MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). None of the references applied by in the Office Action either expressly or inherently describe every feature of Applicants' claimed combination as detailed in the foregoing arguments. Therefore, Applicants respectfully submit that the applied references do not anticipate Applicants' claimed combinations as alleged by the Office Action.

Regarding the rejection to claim 12, the Office Action has again relied upon Schein Fig. 4A, but this time relies solely on ref. 110 to teach all of Applicants' claimed features. However, as previously discussed in the prior response, the Schein reference in Fig. 4A illustrates a channel program schedule (i.e., a guide for selecting and getting information on programs on different channels). The Office Action makes a variety of statements regarding the teachings of Schein, which clearly do not appear to be supported. For example, the Office action indicates that the "rows represent levels". However, as clearly illustrated in Fig. 4A of Schein, the rows are different channels not multiple levels of a key frame.

Once again the Office Action misinterprets the applied reference and expands the reference to provide "teachings" of features neither disclosed nor suggested in the reference. For example, regarding the allegation that in Schein "rows represent levels", Schein explicitly teaches "[p]rogram guide 102 conveniently lists the channels in a vertical column". Accordingly, there is no need for any reinterpretation as to what is illustrated in the "rows" of Schein. Further, the Office Action apparently alleges that reference 110 of Schein discloses the remaining features of Applicants' claimed combinations (Office Action pages 9-10). Once again, the Office Action has not shown how one reference can account for all the claimed features, or provided any support for this position. In contrast to the Office Action's interpretation, Schein discloses that reference 110 is merely "a cursor", (Schein, column 9, line 10).

The Office Action further alleges that Schein suggests a video browsing system by giving the user the ability to tune and view the contents of video signals (Office Action Page 9 lines 2-3). Apparently, Applicant respectfully submits that a television tuner does not suggest a video browsing system and that there is no teaching or suggestion to some how incorporate the "video browsing system" of Yeo into the teachings of Schein.

Regarding claim 15, the Office Action again relies on the Schein channel program guide to teach a video browsing system. Further, the Office Action describes Fig. 4A, ref. 126 as "a character screen which displays characters of the video" (Office Action, page 10). Clearly, this characterization is contradicted by Schein, which describes reference 126 in column 9, lines 38-45 as follows (as cited in the Applicants' prior response).

A program area 126 depicts the currently tuned program and a preview window area 128 can be used for all types of promotional, descriptive, or contextual video or graphics, such as a short preview of the show that is currently being highlighted in show matrix 106. Preview window area 128 may also be interactional similar to the other areas of guide 102.

As stated in the above referenced section, Schein discloses reference 126 as being a program area that "depicts the currently tuned program". Once again, Applicants respectfully submit that the Office Action disregards the clear teachings of Schein and has instead substituted a function that is not taught or suggested in the Schein reference. It is clear that Schein teaches area 126 is a video window that displays the currently tuned program, much like a picture-in-picture display. There is no suggestion or teaching that reference 126 is used as "a character screen" as alleged. Additional arguments regarding

the deficiency of the Office Action's combination are provided in the Applicants' prior response and are expressly incorporated herein without literal repetition for brevity.

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). Neither Schein, Yeo nor the combination of these references discloses features of Applicants' claimed combinations as noted above. Therefore, these references do not render Applicants' claimed combinations obvious as alleged.

Further, the combination the Schein and Yeo references are not properly combinable, as proposed by the Office Action. The Schein reference is directed to a channel program guide. In contrast, Fig. 4 of Yeo discloses an initial scene transition graph. Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine the "video browsing system" Yeo with Schein, as alleged by the Office Action, which was argued in the prior Office Action and those arguments expressly incorporated herein without literal recitation for brevity.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of independent claims 1, 12, 15 and claims 21 which recites related subject matter to the above-identified independent claims.

The dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Mark E. Olds**, at the telephone number listed below.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Serial No. 09/645,613
Reply to Office Action of September 15, 2003

Docket No. CIT/K-0126

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carl R. Wesolowski
Registration No. 40,372

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 502-9440 DYK:CRW:MEO/par:dp
Date: December 12, 2003

Please direct all correspondence to Customer Number 34610